

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

ALLEN ALPHONZO ADAMS,

Plaintiff,

v.

COUNTY COMMISSIONER FOR
CALHOUN COUNTY, *et al.*,

Defendants.

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CASE NO.: 1:11-CV-155 (WLS)

ORDER

Presently pending before the Court is Plaintiff's Motion for Permission to Proceed on a Motion for New Trial. (Doc. 149.) In the Court's best judgment, it appears as though Plaintiff is requesting that he be permitted to file a Motion for New Trial. Plaintiff has not been required to seek such permission. Instead, Plaintiff has simply been noticed "that the continued filing of voluminous, meritless, or repetitive pleadings in this Court may result in the requirement that he seek prefiling approval before new filings may be docketed." (Doc. 148 at 5.) Plaintiff's Complaint in this matter was dismissed without prejudice because he provided a false response to a complaint form question. (Doc. 115 at 8.) If Plaintiff wishes to proceed with the claims addressed in his Complaint (Doc. 1), he should re-file in accordance with the Federal Rules of Civil Procedure and other applicable rules and laws.

The Court also notes that a Motion for New Trial would be improper at this point because there has not been a trial in this matter. *See* FED. R. CIV. P. 59. To the extent that Plaintiff seeks to challenge his conviction or sentence, he should file a complaint or petition addressing those issues in accordance with the Federal Rules of Civil Procedure

and other applicable rules and laws. For the above reasons, Plaintiff's Motion for Permission to Proceed on a Motion for New Trial (Doc. 149) is **DENIED**.

SO ORDERED, this 13th day of January 2014.

/s/ W. Louis Sands

W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT